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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 * * * * *

10
11 GVCL Ventures, Inc. a corporation,
12
13 Plaintiff,

CASE NO.:

14 vs.

15 GoPetFriendly.com, LLC; a Limited Liability
16 Company; DOES I-X, inclusive; and ROE
17 CORPORATIONS XX-XXX, inclusive;
Defendants.
18
19

20 **PLAINTIFF'S COMPLAINT FOR DECLARATORY JUDGMENT**
21 **AND RELIEF PURSUANT TO 15 U.S.C. § 1125**

22 Plaintiff GVCL Ventures, Inc. ("GVCL" or "Plaintiff") files this complaint
23 for declaratory judgment against the GoPetFriendly.com, LLC ("GoPet" or "Defendant").
24

JURISDICTION AND VENUE

25 1. This is an action for declaratory judgment arising under (i) the United States
26 Copyright Act of 1976, 17 U.S.C. § 101 et seq. (the "Copyright Act"); (the "Lanham Act"); and
27 (iv) 28 U.S.C. §§ 2201 and 2202 (the Declaratory Judgment Act). Thus, this Court has original
28 jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338.

1 2. Defendant GoPet also subject to the personal jurisdiction of this Court because the
2 Defendant regularly maintains a presence in the State of Nevada through its website and,
3 therefore, is continuously present in the State of Nevada. In addition, its false assertions of
4 infringement of alleged copyrights were directed to the Plaintiff in the State of Nevada. Thus,
5 this Court has both general and specific personal jurisdiction over GoPet.

6 3. Venue of this action is proper in the District of Nevada under 28 U.S.C.
7 § 1391(b)(1) and (2) because GoPet is subject to the personal jurisdiction of this Court in this
8 Judicial District and thus qualifies as a resident of this Judicial District under 28 U.S.C.
9 § 1391(c)(2). In addition, a substantial part of the events giving rise to Plaintiff's claims has
10 occurred and will continue to occur in the District of Nevada.

11 **NATURE OF THE ACTION**

12 4. Plaintiff Provident seeks declaratory judgment of non-infringement of alleged
13 copyright(s) rights asserted against Plaintiff by Defendant GVCL. GVCL further seeks
14 declaratory judgment that any alleged copyright, trademark or trade dress rights asserted by
15 GoPet are invalid and unenforceable.

16 5. GoPet has asserted that GVCL is infringing GoPet's alleged copyright, by utilizing
17 certain images from GoPet's website. GVCL denies that it has infringed any copyrights owned
18 by GoPet and that the infringement, if any, was undertaken without knowledge of GVCL by its
19 former subsidiary, Proactive Pet Products, Inc. a Nevada corporation.

20 6. GVCL is a corporation organized and existing under the laws of the State of Delaware
21 with its principal place of business located in Las Vegas, NV.

22 7. Upon information and belief, GoPetFriendly.com, LLC is a limited liability company
23 organized under the laws of the State of Pennsylvania with its principal place(s) of business
24 online including in the State of Nevada.

25 **FACTUAL BACKGROUND**

26 8. Plaintiff re-avers and re-states the foregoing Paragraphs 1-7 inclusively as if fully
27 set forth herein.
28

1 9. GVCL is a public entity which over the years has had several operating subsidiaries
2 including until November of 2016, Proactive Pet Products, Inc. a Nevada corporation which ran
3 a website about pets.

4 10. GoPet holds itself out as a manufacturer and seller of similar products.

5 **DEFENDANT’S ACTS COMPRISING ACTUAL CONTROVERSY**

6 11. Plaintiff re-avers and re-states the foregoing Paragraphs 1-10 inclusively as if
7 fully set forth herein.

8 12. On December 6, 2016, Defendant GoPet threatened litigation against GVCL,
9 asserting that GVCL is infringing GoPets copyright in excess of 200 images and or materials
10 from its website through a letter directed to GVCL in the State of Nevada.

11 13. There thus presently exists a justiciable controversy regarding the Plaintiff’s liability, if
12 any, for the alleged violations, if any, by GVCL’s former subsidiary of GoPets alleged
13 copyrights.

14 **FIRST CLAIM FOR RELIEF**
15 **(Non-Infringement of Copyright)**

16 14. Plaintiff re-avers and re-states the foregoing Paragraphs 1-13 inclusively as if
17 fully set forth herein.

18 15. This is a declaratory judgment action under (i) the United States Copyright Act of
19 1976, 17 U.S.C. § 101 et seq. (the “Copyright Act”), and 28 U.S.C. §§ 2201 and 2202 (the
20 Declaratory Judgment Act). As an actual justiciable controversy exists by way of the credible
21 threat of immediate litigation and demand to cease and desist, Plaintiff seeks relief from this
22 Court.

23 16. Plaintiff is entitled to declaratory judgment that it is not infringing, has not
24 infringed, and is not liable for infringing any valid copyright owned by GoPet relating to
25 images or materials on GoPet’s website.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff seeks judgment awarding it the following relief:

1. An order declaring that GVCL does not infringe any valid copyright owned by GoPet relating to material on GoPet's website;
2. An order awarding attorneys' fees, costs, and expenses incurred in connection with this action to GVCL; and
3. An order awarding such other and further relief as this Court deems just and proper.

DATED this 14th day of December 2016.

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